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Tom Foley, President/CEO

June 22, 2006

## MEMORANDUM

To: Members of the California Reclamation Board – Via Rec. Board Staff – e-mail & FAX

Fm: Tom Foley, President/CEO, CCRG, Inc.

### **Ref: Continuation of the Rec. Board Meeting of 6-16-06 – River Islands**

This is a one page letter, as brief as possible. As we stated at the Hearing of 6-16-06 we are very much against this project along with the NRDC, National Heritage Institute, CSPA and the Deltakeeper Chapter of Baykeeper, as our testimony and our written submissions will show.

We question the wisdom and legality of the actions you are asked to take on Monday, 6-26-06 because of the extreme danger to the health, safety and general welfare of the citizens of California. That interior levee is illegal and has a very grave possibility of causing flooding in adjacent areas of the levee as was pointed out last Friday. We believe that those River Islands interior levees are literally an un-permitted plan of flood control within the Central Valley, principally for private financial interests.

Within those proposed new interior levees River Islands, the proponent made it clear – they plan a dense urbanized area without the legally required 3 feet freeboard at 200-year flows. After New Orleans any public officials with flood control responsibility can reasonably be expected by the public to not make the same mistakes of New Orleans and act first, foremost in the public's best interests.

**CCRG** takes the position that the portion of the interior levee lying along side the San Joaquin project is illegal, injurious to the public and therefore should be removed.

Furthermore, the Rec. Board should not be granting Monday's encroachment permit without the mandatory USACE study and approval. It was clearly stated in the Friday, June 16<sup>th</sup> meeting that the required study by the Corps has not been done. To approve the encroachment without that study and report by the Corps is totally incorrect, and could leave the Rec. Board in a very untenable position.

River Islands is also predicated their 200-year level of flood protection on upstream levee failures. In the transcripts of March 06, your attorney Scott Morgan mentions that the Attorney General and upstream property owners will be in court very quickly if River Islands is allowed to certify their level of flood protection using hydrologic flows at River Islands which assume upstream levee failures.

The South Delta Conveyance plan is a landowner plan depending on many millions of public dollars being spent on dredging. The feasibility study has not been done, the public benefit is questionable but but you are asked to approve a plan that gives private interests the possibility of making millions of dollars, possibly putting at risk, thousands of citizens and millions if not billions of tax dollars, dollars that would be better spent buying out those Rec Districts and recreating the marshland.

Please do not approve this encroachment for River Islands, this we believe, would be a grave error.